

OIS SHOOTING REVIEW

Tehachapi Police Department OIS Incident Date: June 6th, 2015

Executive Force Review Committee:

Chief Kent Kroeger, TPD
Chief Michael J. Grant, SSPD
Chief Scot Kimble, MPD

INTRODUCTION

Stallion Springs Police Department Chief of Police Michael J. Grant and McFarland Police Department Chief of Police Scot Kimble were asked by Tehachapi Police Department (TPD) Chief of Police Kent Kroeger to form an Executive Force Review Committee to perform an independent review of a TPD OIS (officer involved shooting).

The Executive Force Review Committee was provided copies of all pertinent police reports, photographs, audio recordings, and involved officer's and witnesses statements. The Executive Force Review Committee based their opinions on the provided information.

During the review, the Committee was presented a PowerPoint presentation which provided a synopsis of the incident.

DEPARTMENT POLICY REVIEW (Sections/subsections not indicated were not applicable)

POLICY	In Policy	Out of Policy
400.2 Use of Force Policy (Officer Christian)	X	
400.2.1 Use of Force to Effect an Arrest	X	
400.2.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE (Officer Christian)	Present	Not Present
(a) The conduct of the individual being confronted (as reasonably perceived by the officer at the time).	X	
(d) Proximity of weapons	X	
(f) Time and circumstances permitting, the availability of other options (what resources are reasonably available to the officer under the circumstances). <i>Reviewing Boards Concern: Resources available: distance, time to evaluate, time transition properly from baton to firearm</i>	X	
(g) Seriousness of the suspected offense or reason for contact with the individual	X	
(h) Training and experience of the officer. <i>Reviewing Boards Concern: The expectation that we have based on Officers Christians time on the job was much higher than what was displayed</i>	X	
(i) Potential for injury to citizens, officers and suspects.	X	
(j) Risk of escape.		X
(k) Other exigent circumstances.		X
400.3 NON-DEADLY FORCE APPLICATIONS, Deadly Force, (Officer Christian)	In Policy	Out of Policy
(a) An officer may use deadly force to protect himself/herself or others from what he/she reasonably believe would be an imminent threat of death or serious bodily injury.	X	
404.1.1 SHOOTING POLICY (Officer Christian)	In Policy	Out of Policy
(a) An officer may use deadly force to protect himself/herself or others from what he/she reasonably believe would be an imminent threat of death or serious bodily injury.	X	
404.1.4 REPORT OF WEAPON DISCHARGE (Officer Christian)	In Policy	Out of Policy
404.1.4 Report of Weapon Discharge	X	
412.2 AUTHORIZED WEAPONS (Officer Christian)	In Policy	Out of Policy
412.2 Authorized weapons	X	
412.2.1 Duty weapons	X	
412.2.4 Ammunition	X	
412.3 SAFE HANDLING OF FIREARMS (Officer Christian)	In Policy	Out of Policy
(a) Officers shall not unnecessarily display or handle any firearm.	X	
(c) Any member who discharges his/her weapon accidentally or intentionally, on or off-duty, except during training or recreational use, shall make a verbal report to his/her supervisor as soon as circumstances permit and, if the occurrence was on-duty, shall file a written report with their Sergeant prior to the end of shift. If off-duty, as directed by the supervisor	X	
558 FOOT PURSUIT POLICY (Both Officers)	In Policy	Out of Policy
558.2 Decision to pursue <i>(See below under TACTICS section)</i>		X
(a) Containment of the area <i>(See below under TACTICS section)</i>		X
(c) Saturation of the area with patrol personnel <i>(See below under TACTICS section)</i>		X

558 FOOT PURSUIT POLICY (continued. Both Officers)	In Policy	Out of Policy
(e) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit. <i>Reviewing Boards Concern: Without utilizing available resources (i.e. KCSO), and believing that they were pursuing the identified/named suspect, the officers increased the risk to themselves</i>		X
558.3 GUIDELINES FOR FOOT PURSUIT (Both Officers)	In Policy	Out of Policy
(b) When the officer is acting alone		X
(c) When two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.		X
(d) The officer is unsure of his/her location and direction of travel.	X	
(e) When pursuing multiple suspects and the pursuing officers do not reasonably believe that they would be able to control the suspect should a confrontation occur.	X	
(f) When the physical condition of the officers renders them incapable of controlling the suspect if apprehended.	X	
(g) When the officer loses contact with the dispatch center or with backup officers	X	
(h) When the suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient officers. <i>Reviewing Boards Concern: Officer Adams solo search of the yard</i>		X
(m) The suspect's location is no longer definitely known.	X	
(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department personnel or the public if the suspect is not immediately apprehended.		X
(o) The officers ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions <i>Reviewing Boards Concern: Separation created the circumstances</i>		X
558.4.1 RESPONSIBILITIES IN FOOT PURSUITs, Initiating Officers Responsibilities	In Policy	Out of Policy
(a) Unit identifier	X	
(b) Location and direction of travel	X	
(c) Reason for the foot pursuit (Both officers)		X
(d) Number of suspects and description	X	
(e) Whether the suspect is known or believed to be armed <i>Reviewing Boards Concern: Officer Christian should have broadcasted his belief that the suspects may be armed and with what they were armed with</i>		X
558.4.3 SUPERVISOR RESPONSIBILITY (Officer Christian)	In Policy	Out of Policy
First sentence: Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit.		X
Third sentence: The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.		X

558.4.3 SUPERVISOR RESPONSIBILITY (continued, Officer Christian)	In Policy	Out of Policy
Fourth sentence: The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.		X

REVIEWING BOARD EVALUATIONS:

OFFICER TO OFFICER COMMUNICATION

1. Officer Christian failed to notify Officer Adams that he was advised that suspects may be returning and armed with firearms, or the fact that he was advised that the suspect is "always armed with a firearm"
2. Officer Christian failed to ascertain identifying information from the victim regarding photos of the suspect
3. Officer Adams failed to inform Officer Christian of his past experiences at the location
4. Officer Adams failed to notify Officer Christian about his belief a suspect may be in a yard, nor did he notify him about the yard search

OFFICER TO DISPATCH COMMUNICATION

1. Officer Christian failed to notify dispatch that he was advised that suspects may be returning and armed with firearms, or the fact that he was advised that the suspect is "always armed with a firearm"
2. Officer Adams failed to notify dispatch that he located the subject next to the house and was detaining him
3. Officer Adams failed to notify dispatch that he was conducting a yard search
4. Both officers failed to request additional units for a perimeter
5. Officer Adams failed to notify dispatch about performing a yard search

DISPATCH TO OFFICER COMMUNICATION

1. Dispatch failed to notify officer via radio of the high priority call (call was dispatched via landline)

TACTICS

1. Both officers immediately separated during foot pursuit
2. Officer Christian ran with a baton in his primary/strong hand
3. Officer Christian failed to transition properly from his baton to his duty firearm (i.e. dropping his baton, ringing his baton) when faced with what he described as an imminent deadly threat

4. Officer Christian did not consider his shooting background when he observed the subject across the street from him who he stated he believed to be armed
5. As the supervisor, Officer Christian failed to evaluate/re-evaluate the need for a foot pursuit or to continue the foot pursuit
6. As the supervisor, Officer Christian failed to control/take charge of the situation and failed to advise a less experienced/subordinate officer
7. Officer Christian did not alter his position (moving laterally, crouching) to limit the perceived threat posed by the subject he believed to be armed
8. Officer Christian stated that he utilized a point-shooting technique when engaging the suspect. Due the distance (approximately 40 feet) this was an inappropriate technique and he should have utilized the sights of his firearm
9. The white cowboy hat officer Christian is wearing during the incident is an officer safety concern to us due to its bright color. Additionally, the likelihood that Officer Christian was holding the hat on his head with his hand while he engaged in the foot pursuit is a safety concern as well. It is our strong suggestion that the departments uniform policy be reviewed regarding this issue
10. Officer Adams performed a yard search while alone
11. Officer Adams failed to search the subject he had detained, failed to secure him, and turned his back on the subject to pursue an additional subject
12. Officer Adams did not properly deploy his duty firearm during the yard search
13. Due to separating themselves from each other during the foot pursuit, the officers placed themselves in a cross-fire situation (this is an issue that has been addressed for decades by law enforcement)
14. The officers did not work as a team to pursue, search, or detain the subject

CONCLUSION

It is the reviewing board's opinion that:

- Both officers acted in good faith in pursuing the fleeing subjects
- The committee appreciates both officers motivation and tenacity
- Both officers utilized poor tactics, not heeding the thousands of saddening examples throughout the modern history of law enforcement of officers being seriously injured or killed due to:
 - Separating during foot pursuits
 - Fatal officer on officer shootings due to cross-fire caused by separating
 - Holding unnecessary items in your primary hand
 - Tunnel vision, with the overriding need to apprehend suspects over officer safety, when it is unnecessary to expose themselves to the risk (*known suspect*)
- A systemic failure of leadership by the more seasoned and ranking officer took place

Foot Pursuit Policy

558.1 PURPOSE AND SCOPE

Foot pursuits are inherently dangerous and require common sense, sound tactics and heightened officer safety awareness. This policy sets forth guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot by balancing the objective of apprehending the suspect with the risk of potential injury to the officer, the public or the suspect.

558.1.1 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department personnel, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department personnel.

558.2 DECISION TO PURSUE

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as the sole justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits potentially place department personnel and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to pursuit based upon the circumstances and resources available, such as the following:

- (a) Containment of the area.
- (b) Canine search.
- (c) Saturation of the area with patrol personnel.

Lehachapi Police Department
Policy Manual

Foot Pursuit Policy

- (d) Aerial support.
- (e) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the pursuit.

558.3 GUIDELINES FOR FOOT PURSUIT

Unless the officer reasonably believes that exigent circumstances exist (e.g. a serious threat to the safety of personnel or members of the public), officers should consider alternatives to engaging in or continuing a foot pursuit under the following conditions:

- (a) When directed by a supervisor to terminate the foot pursuit. Such an order shall be considered mandatory.
- (b) When the officer is acting alone.
- (c) When two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
- (d) The officer is unsure of his/her location and direction of travel.
- (e) When pursuing multiple suspects and the pursuing officers do not reasonably believe that they would be able to control the suspect should a confrontation occur.
- (f) When the physical condition of the officers renders them incapable of controlling the suspect if apprehended.
- (g) When the officer loses radio contact with the Dispatch Center or with backup officers.
- (h) When the suspect enters a building, structure, confined space or a wooded or otherwise isolated area and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the pursuit and coordinating containment pending the arrival of sufficient officers.
- (i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
- (j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
- (k) The officer loses possession of his/her firearm or other essential equipment.
- (l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
- (m) The suspect's location is no longer definitely known.

Foot Pursuit Policy

- (n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department personnel or the public if the suspect is not immediately apprehended.
- (o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other conditions.

558.4 RESPONSIBILITIES IN FOOT PURSUITS

558.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should broadcast the following information as soon as it becomes practicable and available:

- (a) Unit identifier
- (b) Location and direction of travel
- (c) Reason for the foot pursuit
- (d) Number of suspects and description
- (e) Whether the suspect is known or believed to be armed

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the Dispatch Center of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary.

558.4.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

Tehachapi Police Department
Policy Manual

Foot Pursuit Policy

Any officer who is in a position to intercept a fleeing suspect or who can assist the primary officer with the apprehension of the suspect, shall act reasonably and in accordance with department policy, based upon available information and his/her own observations.

558.4.3 SUPERVISOR RESPONSIBILITY

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-pursuit activity.

558.4.4 THE DISPATCH CENTER RESPONSIBILITIES

Upon being notified or becoming aware that a foot pursuit is in progress, communication personnel shall, as soon as practicable, notify the field supervisor and provide available information. the Dispatch Center personnel are also responsible for the following:

- (a) Clear the radio channel of non-emergency traffic.
- (b) Repeat the transmissions of the pursuing officer as needed.
- (c) Relay all pertinent information to responding personnel.
- (d) Contact additional resources as directed by a supervisor.
- (e) Coordinate response of additional resources to assist with the foot pursuit.

558.5 REPORTING

The initiating officer shall complete the appropriate crime/arrest reports documenting, at minimum, the following:

- (a) The reason for initiating the foot pursuit.
- (b) The identity of involved personnel.
- (c) The course and approximate distance of the pursuit.
- (d) Whether a suspect was apprehended as well as the means and methods used.
 - 1. Any use of force shall be reported and documented in compliance with the Department Use of Force Policy.
- (e) Any injuries or property damage.

Tehachapi Police Department
Policy Manual

Foot Pursuit Policy

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

In any case in which a suspect is not apprehended and there is insufficient information to warrant further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

Disciplinary Policy

- (b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance
- (c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties
- (d) Unauthorized possession, use of, or attempting to bring controlled substance or other illegal drug to any work site

440.3.5 PERFORMANCE

- (a) Unauthorized sleeping during on-duty time or assignments.
- (b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
- (c) Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
- (d) Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- (e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.
- (f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.
- (g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof.
- (h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.
- (i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.
- (j) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person.
- (k) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.

Disciplinary Policy

- (l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).
- (m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.
- (n) Work-related dishonesty, including attempted or actual theft of department property, services or the property of others, or the unauthorized removal or possession of department property or the property of another person.
- (o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.
- (p) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.
- (q) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.
- (r) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a department member knew or reasonably should have known of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Department.
- (s) Offer or acceptance of a bribe or gratuity.
- (t) Misappropriation or misuse of public funds.
- (u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
- (v) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on department premises; at any work site; while on-duty or while in uniform; or while using any department equipment or system. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
- (w) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.
- (x) Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Chief of Police.



OFFICE CORRESPONDENCE

DATE: July 13, 2015

FROM: KENT KROEGER, CHIEF OF POLICE
TO: MICHAEL CHRISTIAN, SENIOR POLICE OFFICER
SUBJECT: INITIATION OF INTERNAL AFFAIRS INVESTIGATION / IA 15-04

An Internal Affairs investigation is currently being conducted pertaining to an alleged violation of TPD Sections 558.3 (b), 558.3 (c), 558.3 (h), 558.3 (o), "Guidelines for foot pursuit," and Sections 558.4.1 (c), 558.4.1 (e), "Responsibilities in foot pursuits," and Section 558.4.3, "Supervisor Responsibility," and 440.3.5 (p) "Making false or misleading statements during the course of any work-related investigation. This allegation is related to TPD case # 15-06-0712 and case #15-06-0713 as well as findings from an Executive Force Review Committee following a review of the Officer Involved Shooting which occurred on June 6, 2015.

Private Investigators from Sintra Group will be conducting the Internal Affairs Investigation on my behalf.

All questions shall be asked by and through no more than two investigators at one time. The complete interview will be recorded. You will have access to the tape if any further proceedings are contemplated or prior to any further review at a subsequent time. You have the right to bring your own recording device and record any and all aspects of the interview. At the conclusion of the investigation, you will be entitled to all reports and or/complaints made by investigators or other persons, except those which are deemed by the Department to be confidential. No notes or reports which are deemed to be confidential by the Department will be entered into your personnel file.

You have the right to a representative of your choice who may be present at all times during the interview. The representative shall not be a person subject to the same investigation. Your representative shall not be required to disclose, nor be subject to any punitive action for refusing to disclose, any information received from you while under investigation in non-criminal matters.

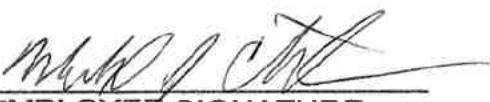
You will not be subject to visits by the press or news media without your express consent. Neither your home address nor photograph will be given to the press or news media without your express consent.

IA 15-04

MICHAEL CHRISTIAN, SENIOR POLICE OFFICER

If this interview occurs during off-duty time, you shall be compensated for your time in accordance with regular Department procedures. If prior to, or during the interview, it is learned that you may be charged with a criminal offense, you shall immediately be informed of your Constitutional rights.

I acknowledge that I am being given a direct order that until the conclusion of this investigation, I am not to discuss or communicate anything regarding this investigation with anyone other than my legal representative. I am not to discuss with anyone except my representative that I am the subject of an investigation or that an investigation is being conducted.



EMPLOYEE SIGNATURE

7/16/15

DATE



OFFICE CORRESPONDENCE

DATE: August 6, 2015


FROM: KENT KROEGER, CHIEF OF POLICE
TO: MICHAEL CHRISTIAN, SENIOR POLICE OFFICER
SUBJECT: NOTICE OF INTERVIEW – ADMINISTRATIVE INVESTIGATION

An administrative investigation is currently being conducted relating to alleged violations of Department policy, specifically:

- **§558.3 (b), 558.3 (c), 558.3 (h), 558.3 (o):** Guidelines for Foot Pursuit
- **§558.4.1 (c), 558.4.1 (e):** Responsibilities in Foot Pursuits
- **§558.4.3: Supervisor Responsibility**
- **§440.3.5 (p):** Making false or misleading statements during the course of any work related investigation

This allegation is related to TPD case # 15-06-0712 and case # 15-06-0713 as well as findings from an Executive Force Review Committee following a review of the Officer Involved Shooting which occurred on June 6, 2015.

You are ordered to report to Tehachapi City Hall on August 11, 2015, at 1300 hours, to answer questions relating to this administrative investigation. Failure to appear will be considered an act of insubordination and can be an independent basis for disciplinary action, up to and including dismissal.

This investigation is being conducted by the Sintra Group on behalf of the Tehachapi Police Department. You are hereby ordered to cooperate fully with the Sintra Group investigator(s) and to answer his/her questions in a complete and truthful manner. You are further ordered to obey any lawful order given by the investigator(s) as though such order was coming from a superior in your chain of command within the Tehachapi Police Department.

The investigative interview will be recorded. You will have access to the recording if any further proceedings are contemplated or prior to any further investigative interview at a subsequent time. You have the right to bring your own recording device and record any and all aspects of the investigative interview.

You have the right to be represented by a representative of your choice who may be present at all times during the investigative interview. This representative shall not be a person subject to the same investigation. Your representative shall not be required to disclose, nor be subject to any punitive action for refusing to disclose, any information received from you while under investigation in non-criminal matters. You must provide me with one (1) working days' notice if you will be represented by legal counsel as we may then require counsel to also be present.

If this investigative interview occurs during off-duty time, you will be compensated for your time in accordance with regular department procedures.

You are ordered not to discuss this investigation or its subject matter with other employees of the Tehachapi Police Department, except for me or your representatives, during the pendency of this investigation.

Failure to comply fully with the provisions of this notice shall be deemed an act of insubordination, and may result in discipline up to, and including, termination from employment.

If you have any questions prior to the investigation, please do not hesitate to call.

If prior to or during the interview it is learned that you may be charged with a criminal offense, you shall be immediately informed of your Constitutional rights.

"I acknowledge that I am being given a direct order that until the conclusion of this investigation, I am not to discuss or communicate anything regarding this investigation with anyone other than my legal representative. I am not to discuss with anyone except my representative that I am the subject of an investigation or that an investigation is being conducted."

EMPLOYEE SIGNATURE

DATE



OFFICE CORRESPONDENCE

DATE: July 13, 2015


FROM: KENT KROEGER, CHIEF OF POLICE
TO: MICHAEL ADAMS, POLICE OFFICER
SUBJECT: INITIATION OF INTERNAL AFFAIRS INVESTIGATION / IA 15-04

An Internal Affairs investigation is currently being conducted pertaining to an alleged violation of TPD Sections 558.3 (b), 558.3 (c), 558.3 (h), 558.3 (o), "Guidelines for foot pursuit," and Sections 558.4.1 (c), 558.4.1 (e), "Responsibilities in foot pursuits." This allegation is related to TPD Case #15-06-0712 and case #15-06-0713 as well as findings from an Executive Force Review Committee following a review of the Officer Involved Shooting which occurred on June 6, 2015.

Private Investigators from Sintra Group will be conducting the Internal Affairs Investigation on my behalf.

All questions shall be asked by and through no more than two investigators at one time. The complete interview will be recorded. You will have access to the tape if any further proceedings are contemplated or prior to any further review at a subsequent time. You have the right to bring your own recording device and record any and all aspects of the interview. At the conclusion of the investigation, you will be entitled to all reports and or/complaints made by investigators or other persons, except those which are deemed by the Department to be confidential. No notes or reports which are deemed to be confidential by the Department will be entered into your personnel file.

You have the right to a representative of your choice who may be present at all times during the interview. The representative shall not be a person subject to the same investigation. Your representative shall not be required to disclose, nor be subject to any punitive action for refusing to disclose, any information received from you while under investigation in non-criminal matters.

You will not be subject to visits by the press or news media without your express consent. Neither your home address nor photograph will be given to the press or news media without your express consent.

IA 15-04

MICHAEL ADAMS, POLICE OFFICER

If this interview occurs during off-duty time, you shall be compensated for your time in accordance with regular Department procedures. If prior to, or during the interview, it is learned that you may be charged with a criminal offense, you shall immediately be informed of your Constitutional rights.

I acknowledge that I am being given a direct order that until the conclusion of this investigation, I am not to discuss or communicate anything regarding this investigation with anyone other than my legal representative. I am not to discuss with anyone except my representative that I am the subject of an investigation or that an investigation is being conducted.



EMPLOYEE SIGNATURE

7/14/15

DATE

RECEIVED
OCT 07 2015

Christopher J. Gonzales

Three Park Plaza, Suite 1400
Irvine, California 92614

Attorney at Law

(949) 428-0344; (949) 428-0346-fax
catholicattorney@sbcglobal.net

October 2, 2015

Tehachapi Police Department
Attention: Police Chief Kent Kroeger
220 West C Street
Tehachapi, CA 93561

- Via Fax and U.S. Mail
- Fax Number: (661) 822-2263

RE: Notice of Dispute of Proposed Intended Disciplinary Action – and Request for In-Person Meeting
By Officer Michael Christian

Dear Chief Kroeger:

I hope you are having a nice day and not working too hard.

As you know, this law office represents and is assisting Officer Michael Christian with his disciplinary matter. On Officer Christian's behalf and pursuant to his collective bargaining rights, be advised that Officer Christian hereby requests an in-person meeting, a Skelly hearing to provide a verbal response to the proposed discipline stated in your September 30, 2015 Notice of Intended Disciplinary Action. I will be attending as his legal representative and producing mitigating evidence at that time. Request is hereby made that a mutually convenient time be set for the in-person meeting, Skelly hearing.

Lastly, demand is hereby made for the production of a copy of all documents, pleadings, medical reports, employment records, notices, correspondences, investigation reports, wage statements, oral statements, written statements, witness statements, audio, video, and any other documents related to this matter that have not been previously served. Let this letter serve as a continuous demand for such documents. It is my understanding that several documents have been already produced to Officer Christian. Thus, I do not need an additional copy of those records. However, if new or additional documents exist, then demand is hereby made that a copy of any new or additional documents be produced promptly.

Thank you for your attention and efforts in this matter. I look forward to serving with you in this matter.

Very truly yours,

Christopher Gonzales

Christopher J. Gonzales

Three Park Plaza, Suite 1400
Irvine, California 92614

Attorney at Law

(949) 428-0344; (949) 428-0346- fax
cathollcattorney@sbcglobal.net

October 2, 2015

Tehachapi Police Department
Attention: Police Chief Kent Kroeger
220 West C Street
Tehachapi, CA 93561

- Via Fax and U.S. Mail
- Fax Number: (661) 822-2263

RE: Notice of Dispute of Proposed Intended Disciplinary Action – and Request for In-Person Meeting
By Officer Michael Christian

Dear Chief Kroeger:

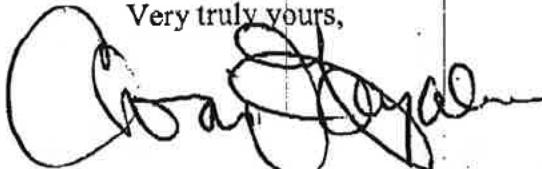
I hope you are having a nice day and not working too hard.

As you know, this law office represents and is assisting Officer Michael Christian with his disciplinary matter. On Officer Christian's behalf and pursuant to his collective bargaining rights, be advised that Officer Christian hereby requests an in-person meeting, a Skelly hearing to provide a verbal response to the proposed discipline stated in your September 30, 2015 Notice of Intended Disciplinary Action. I will be attending as his legal representative and producing mitigating evidence at that time. Request is hereby made that a mutually convenient time be set for the in-person meeting, Skelly hearing.

Lastly, demand is hereby made for the production of a copy of all documents, pleadings, medical reports, employment records, notices, correspondences, investigation reports, wage statements, oral statements, written statements, witness statements, audio, video, and any other documents related to this matter that have not been previously served. Let this letter serve as a continuous demand for such documents. It is my understanding that several documents have been already produced to Officer Christian. Thus, I do not need an additional copy of those records. However, if new or additional documents exist, then demand is hereby made that a copy of any new or additional documents be produced promptly.

Thank you for your attention and efforts in this matter. I look forward to serving with you in this matter.

Very truly yours,



Christopher Gonzales

ADMINISTRATIVE RIGHTS (SWORN & NON-SWORN) SUBJECTS

I am Sergeant Brown, and this is MIKE VANATTA

of (Unit of Assignment) which is commanded by Captain 1 TEHACHAPI POLICE

You are about to be questioned as part of an official ~~Los Angeles County Sheriff's Department~~ administrative investigation.

Do you have a Policy and Ethics Chapter of the Manual of Policy and Yes No
Procedures?

Are you familiar with its contents? Yes No

You are specifically reminded that Policy and Ethics Sections ~~3-01/040.70 and 3-01/040.75~~ require that you make full, complete, and truthful statements. Any refusal to do so may result in your discharge or other punitive action.

This investigation concerns: (Explain allegations/basic reason for investigation.)

If this were a criminal investigation, any statements you made could be used against you in a court of law. Since this is an administrative investigation, neither your statements nor any information or evidence which is gained by such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in subsequent administrative actions.

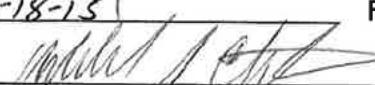
You are being ordered to answer questions specifically related to the performance of your official duties and/or your conduct as related to your employment with the Department.

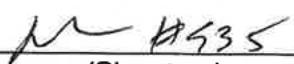
You have the right to remain silent, and you have the right to the presence and assistance of counsel. You are hereby notified that although you have the right to remain silent, failure to answer questions directly related to this administrative investigation may result in your discharge or other punitive action.

You have the right to have a representative of your choice, who is not involved in this investigation, present with you during your interview. You may tape record this interview if you wish. You are being ordered not to discuss the facts of this case or any of the issues discussed during your interview with anyone other than your designated representative or attorney in this matter.

The above admonition has been explained to me and I understand its contents.

Date: 8-18-15 File Number: _____

Subject:  MICHAEL J. CHRISTIAN 933
(Signature) (Print) (Employee Number)

Investigator:  DENISE BROWN
(Signature) (Print)

EXAMPLE "A"

EMPLOYEE INTERVIEW

"The date of this interview is 8-66-15"

"The time is 1506"

"Present in the room are BETH, MILLE"
HAMILTON VANATTI"

"This interview is being conducted to investigate TPD INVESTIGATION"

"At this time I will read you your rights pursuant to AB301:

"You have the right to have a representative of your choice present during this interview. Your representative may be an attorney; an Association member; or anyone else not connected with this investigation."

"You have chosen _____ as your representative, is that correct?"

"You have the right to make your own tape recording of this interview. At the end of the investigation, you may be furnished with a copy of all documents concerning this investigation and of all tape recordings, if you desire."

"Do you understand these rights?"

MIRANDA ADVISEMENT

"You have the right to remain silent."

"Anything you say may be used against you in court."

"You have the right to an attorney before and during any questioning."

"If you cannot afford an attorney, one will be appointed for you before questioning if you wish one."

"Do you understand the rights that I have just explained to you?"

LYBARGER WARNING

"While you have the right to remain silent with regard to any criminal investigation, you do not have the right to refuse to answer my administrative questions."

"This is strictly an administrative investigation. I am, therefore, now ordering you to discuss this matter with me."

MRA

"If you refuse to discuss this matter, your silence can be deemed insubordination and result in administrative discipline, up to and including termination."

"Any statement you make under compulsion of the threat of such discipline cannot be used against you in a later criminal proceeding or civil action in the state superior court."

"I am further ordering you to answer all questions truthfully and to the best of your knowledge."

"Do you have any questions before we start?"

CONCLUSION

"Do you have any questions before we conclude this interview?"

"Is there anything about this matter under discussion which I have not asked you about that you believe is important?"

"Do you have anything you wish to add to this interview?"

"You are ordered not to speak of this incident to anyone else, nor are you to discuss this interview with anyone other than your representative or your legal counsel."

"Do you understand my order?"

"This interview is concluded at _____ hours."

ADMINISTRATIVE RIGHTS (SWORN & NON-SWORN) SUBJECTS

I am Sergeant _____, and this is _____
of (Unit of Assignment) which is commanded by Captain _____.

You are about to be questioned as part of an official Los Angeles County Sheriff's Department administrative investigation.

Do you have a Policy and Ethics Chapter of the Manual of Policy and Procedures? Yes No

Are you familiar with its contents? Yes No

You are specifically reminded that Policy and Ethics Sections 3-01/040.70 and 3-01/040.75, require that you make full, complete, and truthful statements. Any refusal to do so may result in your discharge or other punitive action.

This investigation concerns: (Explain allegations/basic reason for investigation.)

If this were a criminal investigation, any statements you made could be used against you in a court of law. Since this is an administrative investigation, neither your statements nor any information or evidence which is gained by such statements can be used against you in any subsequent criminal proceeding. However, these statements may be used against you in subsequent administrative actions.

You are being ordered to answer questions specifically related to the performance of your official duties and/or your conduct as related to your employment with the Department.

You have the right to remain silent, and you have the right to the presence and assistance of counsel. You are hereby notified that although you have the right to remain silent, failure to answer questions directly related to this administrative investigation may result in your discharge or other punitive action.

You have the right to have a representative of your choice, who is not involved in this investigation, present with you during your interview. You may tape record this interview if you wish. You are being ordered not to discuss the facts of this case or any of the issues discussed during your interview with anyone other than your designated representative or attorney in this matter.

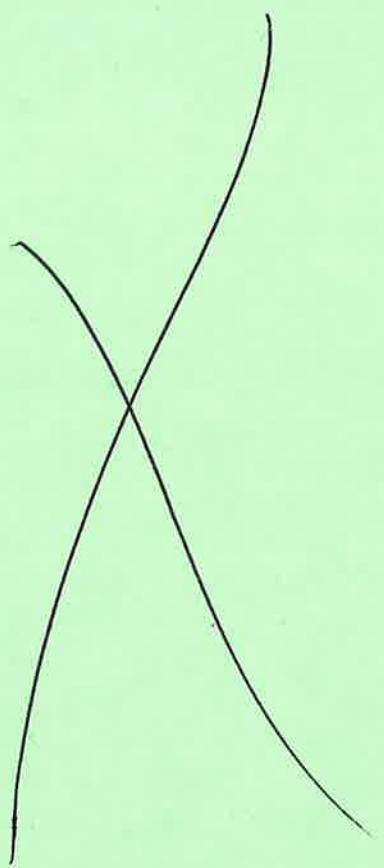
The above admonition has been explained to me and I understand its contents.

Date: _____ File Number: _____

Subject: _____
(Signature) (Print) (Employee Number)

Investigator: _____
(Signature) (Print)

EXAMPLE “A”





TEHACHAPI POLICE DEPARTMENT

220 WEST C STREET TEHACHAPI, CA 93561 661-822-2222
FELONY REPORT

Page 1

Case
15-06-0712

OFFENSES	Offenses 245(A)(1) PC 273.5(A) PC 136.1(A)(1) PC 591 PC	Description Adw Not F/Arm Or Frce:gbi Inf Corp Inj:spouse/Cohab Prevent/Dissuade Wit/Vict Injure Power Lines	Fel/Misd Felony Felony Misd Felony	Date Occurred 06/06/2015	Time Occurred 0255	Incident # 1506060017					
					Date Reported 06/06/2015	Time Reported 0255					
					Related Cases						
					Date Printed 06/30/2015	Time Printed 09:06:27	Printed By 938				
					Latitude 0.000000	Longitude 0.000000					
	Location 638 Cherry Ln #G, Tehachapi, CA 93561				Beat 2501	Area T	Disposition Clred By Adult Arrest				
	Location Type Apartment/Condo		Location of Entry	Method of Entry	Point of Entry	Alarm System	Means of Attack (Robbery) Other Dangerous Weapon				
	CONFIDENTIAL	Victim (Confidential Victim)		Drivers License		Cell Phone		Email			
		Residence Address		Notified of Victim Rights		Residence Phone		DOB	Age	Sex	Race
		Business Name and Address					Business Phone		Height	Wt	Hair
Assistance Rendered/Victim Disposition					Transporting Agency		Means of Attack (Assaults)				
Description of Injuries					Other Information						
RP	Reporting Party Kcso		Drivers License		Cell Phone		Email				
	Residence Address Tehachapi				Residence Phone 661-861-3110		DOB	Age	Sex	Race	
	Business Name and Address				Business Phone		Height	Wt	Hair	Eyes	
SUSPECT	Suspect Martinez, Nicholas Matthew				Action Taken		Charges 136.1(A)(1) PC, 245 (A)(1) PC, 273.5(A) PC, 591 PC				
	Residence Address [REDACTED]				Residence Phone		DOB 08/29/1987	Age 27	Sex M	Race H	
	Business Name and Address				Business Phone		Height 5'11"	Wt 190	Hair BLK	Eyes BRO	
	Identifying Features Scars: NUMEROUS SCRATCHES TO LFT ELBOW/LEFT SIDE Tattoos: NONE Build: Stocky Complexion: Medium Facial Hair: Goatee Clothes: WHT SHIRT, BLUE JEANS				Cell Phone		Drivers License		Arrest Number		
	Aliases Flex, George Hernandez, George Hernandez, Jorge Hernandez, Nicholas Matthew Martinez										
VEHICLES	Status	Vehicle Make and Model			License/State		Vehicle Type				
OFFICERS	Prepared By 946 - Adams, Michael P	Date 06/06/2015	Assisted By			Approved By 904 - Empey, Kevin R			Date 06/07/2015		
	Routed To	Date	Routed To			Date	Notes				

CONTROLLED DOCUMENT - DO NOT DISTRIBUTE

**TEHACHAPI POLICE DEPARTMENT****220 WEST C STREET TEHACHAPI, CA 93561 661-822-2222****FELONY REPORT**

Page 2

Case
15-06-0712

MENTIC	Mentioned - Other Anaya, Richard Solis	Drivers License [REDACTED]	Cell Phone [REDACTED]	Email see tattoos			
	Residence Address [REDACTED]		Residence Phone [REDACTED]	DOB 03/27/1986	Age 29	Sex M	Race H
	Business Name and Address		Business Phone [REDACTED]	Height 5'6"	Wt 155	Hair BLK	Eyes BRO
MENTIONED	Mentioned - Other Palacios, Manuel Larry Jr	Drivers License [REDACTED]	Cell Phone [REDACTED]	Email			
	Residence Address [REDACTED]		Residence Phone [REDACTED]	DOB 10/01/1997	Age 17	Sex M	Race H
	Business Name and Address Ths, 801 S Dennison Rd, Tehachapi, CA 93561		Business Phone [REDACTED]	Height 5'4"	Wt 135	Hair BLK	Eyes BRO
MENTIONED	Mentioned - Other Sillas, Juan Antonio	Drivers License [REDACTED]	Cell Phone [REDACTED]	Email			
	Residence Address [REDACTED]		Residence Phone [REDACTED]	DOB 11/30/1997	Age 17	Sex M	Race H
	Business Name and Address		Business Phone [REDACTED]	Height 5'1"	Wt 80	Hair BLK	Eyes BRO

CONTROLLED DOCUMENT - DO NOT DISTRIBUTE

**TEHACHAPI POLICE DEPARTMENT****220 WEST C STREET TEHACHAPI, CA 93561 661-822-2222****FELONY REPORT - PROPERTY**

Page 3

15-06-0712

ID No.	Status/Disposition	Property Description	Value	Val Recovered	
1	Evidence	1 - CD w/ Mulkern's interview			
2	Evidence	1 - piece of metal, paraphernalia			
3	Evidence	1 - piece of paper, paraphernalia			
4	Evidence	1 - CD W/ MARTINEZ INTERVIEW			

CONTROLLED DOCUMENT - DO NOT DISTRIBUTE



CONTROLLED DOCUMENT - DO NOT DISTRIBUTE

SYNOPSIS:

Nicholas Martinez forced open two doors during a fight to get to his girl friend, Myriah Mulkern. Martinez threw a large electric aroma candle at Mulkern's head hitting her and covering her face, upper torso and arms in hot wax. Martinez followed with two to three punches to the right side of her forehead leaving a visible knot. Martinez chased Mulkern onto the balcony when she tried calling 911. Martinez grabbed one phone out of her hands before she could call, but fled the area when she was able to get through with a second phone in her possession. Drug paraphernalia was located at the scene and Martinez was believed to be under the influence of methamphetamine during the incident.

PHYSICAL EVIDENCE:

Item #1, Status: Evidence
Cd w/ Mulkern's interview

Item #2, Status: Evidence
Piece of metal, paraphernalia

Item #3, Status: Evidence
Piece of paper, paraphernalia

CHAIN OF EVIDENCE:

I recorded the interview with my digital recorder. I maintained custody of the recorder until downloading the audio file to CD and booking as evidence in TPD locker #019.

I located items # 2 and # 3 in the grass below Mulkern's balcony. I maintained custody of the items until booking them as evidence in TPD locker #019.

DETAILS:

On 06-08-2015 at approximately 0256 hours, I was dispatched to the residence of 638 Cherry Ln #G in regards to an in progress domestic violence between Myriah Mulkern and Nicholas Martinez. Other officers and I have responded to multiple domestic calls in the past where Martinez is the suspect in felony and misdemeanor domestic cases with Mulkern as the victim. The offenses usually occur when Martinez is high on methamphetamine.

Upon my arrival, I contacted Mulkern outside the apartment. She stated that Martinez fled the area once she called the police. Senior Officer Christian arrived on scene and we checked the residence for Martinez with negative results.

I asked Mulkern to tell me what happened. I recorded the interview with my digital recorder. I maintained custody of the recorder until downloading the audio file to CD and booking as evidence. Refer to the CD for the complete interview.

Prepared By: 946	Date: 06/07/2015	Approved By: 904	Date: 06/07/2015
ADAMS, MICHAEL P		EMPEY, KEVIN R	



CONTROLLED DOCUMENT - DO NOT DISTRIBUTE

Mulkern stated that since she bailed Martinez out of jail, he has been living with her and their child at the apartment. Mulkern stated that on this date, the fight started over Martinez accusing Mulkern of disrespecting his mother and Mulkern accusing Martinez of recently cheating on her.

Mulkern stated that Martinez became angry and started yelling at her and calling her derogatory names. Mulkern stated that she started yelling back at him. Mulkern stated that she locked her self in the master bedroom/bath to get away from him. Martinez started hitting the door. Upon examination, I noted that the door knob was almost completely torn from the door. Mulkern stated that Martinez forced his way through the door and walked up to her at the bathroom sink. Mulkern stated that Martinez picked up a large electric aroma candle and threw it at her head. Refer to the attached photo. Mulkern stated that either the entire candle or the glass wax tray hit her in the head and covered her face, upper torso and arms in hot wax. Upon examination, Mulkern was covered in a grayish wax. Refer to attached photos. Such an assault could cause serious injury to either Mulkern's head and/or her vision. This is a violation of PC 245(A)(1)-assault with a deadly weapon/not a firearm. Let it be noted that when I took the photo of Mulkern she had already begun to remove a large portion of the wax from her skin without my knowledge.

Mulkern stated that Martinez punched her two to three times in the forehead with his fist. Mulkern stated that she did not black out or fall to the ground. Upon examination, I did observe a small knot on the right side of her forehead. This is a violation of PC 273.5(A)- felony spousal abuse. Mulkern stated that she yelled at Martinez to stop multiple times while they were in the bathroom.

Mulkern stated that Martinez ran out of the bathroom and out of the apartment. Mulkern shut the entry door behind him and locked it. Mulkern stated that Martinez tried coming back in, but the door was locked. Mulkern stated that Martinez begin hitting the door and eventually forced the door open. Upon examination, I noted that the door jam was partially shattered and pulled inward away from the interior wall. The dead bolt was completely bent and the door would not shut or lock properly.

Mulkern stated that Martinez chased her out onto the balcony as she tried calling 911 from one of the two cell phones in her hands. Mulkern stated that before she could complete dialing, Martinez grabbed the phone she was using out of her hand. This is a violation of PC 211- robbery and PC 136.1(A)(1)- prevent/dissuade a victim. Mulkern stated that when Martinez realized she got through to 911 with the other cell phone, Martinez ran out of the apartment and fled the area on foot.

A subject I recognized from prior contacts as Richard Anaya, was sitting on the couch as I spoke to Mulkern about the incident. Mulkern stated that Anaya had seen the entire incident. I asked Anaya if he could relate to me what he saw, but he was hesitant out of fear of being a "Snitch." I asked Anaya if he just didn't care about what happened to Mulkern, but he stated

Prepared By:

946 ADAMS, MICHAEL P

Date:

06/07/2015

Approved By:

904 EMPEY, KEVIN R

Date:

06/07/2015



CONTROLLED DOCUMENT - DO NOT DISTRIBUTE

that he didn't want to be involved. I asked Anaya if it was true what Mulkern was telling me. Anaya stated that they were fighting. Martinez chased Mulkern to the back bedroom and punched the door open. Anaya stated that he could hear Mulkern yelling at Martinez to stop. Anaya stated that Martinez ran out the front door and Mulkern shut it behind him, but Martinez was able to kick it open. Anaya stated that Martinez chased Mulkern onto the balcony and a few seconds later he ran back out of the apartment and didn't return. Anaya was very vague and semi uncooperative during my questioning.

Mulkern stated that Martinez had been smoking methamphetamine just before they started fighting. I asked Mulkern how she knew that. Mulkern stated that before the fight, Martinez had two friends over, identified as Juan "Toni" Sillas and Manual Palacios Jr. Mulkern stated that when she walked into the hallway bathroom, she found a small piece of metal with what she believed to methamphetamine on it. She found a piece of paper next to it that she believed they were using to smoke the methamphetamine with. Mulkern stated that she confronted Sillas about the methamphetamine and he said it was Martinez's and all three of them were smoking it. Mulkern stated that she destroyed the methamphetamine by rubbing it out on her pants and throwing the paraphernalia over the balcony. It appears that may have agitated Martinez even further just before the confrontation. Mulkern stated that when Martinez fled the apartment, both Sillas and Palacios were with him. Mulkern walked me out to the yard below the balcony where I located the pieces of paper and metal that she was referring to. I took custody of the items and later booked them as evidence. Refer to attached photos.

Mulkern refused a Emergency Protection order and stated that she wanted him in jail.

Senior Officer Christian and I responded to a residence where Martinez was believed to be, but he was not there.

Nothing further.

RECOMMENDATION:

Forward to the Kern County District Attorney's Office for prosecution for PC 245(A)(1), PC 273.5(A), PC 211- robbery and PC 136.1(A)(1).

Prepared By: 946 ADAMS, MICHAEL P	Date: 06/07/2015	Approved By: 904 EMPEY, KEVIN R	Date: 06/07/2015
--------------------------------------	---------------------	------------------------------------	---------------------



CONTROLLED DOCUMENT - DO NOT DISTRIBUTE

Martinez was located and arrested on 06/18/2015 for this case and another case (TPD 15-06-0758).

To clarify, at the time of the incident of 15-06-0712, the victim and suspect are currently cohabitants and have one child in common.

Martinez was read his Miranda rights by Officer Boston during the investigation for 15-06-0758. I questioned Martinez regarding this case as well. I recorded the interview with my digital recorder. I later downloaded the audio file to CD and booked it as evidence (ITEM #4).

Martinez stated that the fight had started over Mulkern accusing him of cheating. Martinez stated that he kicked the entry door in, and walked into the master bath to get his belongings. He stated that he accidentally knocked over the electric aroma candle getting it on his hands. He stated that he then wiped the wax on Mulkern's face. Martinez couldn't explain how wax got on Mulkern's arms, torso and neck. I also pointed out that the wax almost cools instantly, making it hard to rub onto Mulkern's face. Martinez still denied throwing the aroma candle at Mulkern.

Martinez stated that he never hit Mulkern during the entire argument. Martinez stated that he never took a cell phone from Mulkern. He stated that he was just trying to get out of the apartment with his stuff and Mulkern was getting in the way. Refer to the CD for further on the interview.

DISPOSITION:

The charges he was booked for in this case were changed to PC 245(A)(1), PC 273.5, PC 136.1(A)(1), and PC 591.

Forward to the District Attorney's Office for prosecution.

Prepared By: 946	Date: 06/21/2015	Approved By: 904	Date: 06/21/2015
---------------------	---------------------	---------------------	---------------------



TEHACHAPI POLICE DEPARTMENT

220 WEST C STREET TEHACHAPI, CA 93561 661-822-2222

SUPPLEMENT 2

Page 8

15-06-0712

On 06-26-2015, I transferred items # 2 and #3 from temporary locker # 3 to locker # 013.

CONTROLLED DOCUMENT - DO NOT DISTRIBUTE

Prepared By: 946 ADAMS, MICHAEL P	Date: 06/26/2015	Approved By: 935 BROWN, DENISE	Date: 06/26/2015
--	----------------------------	---	----------------------------

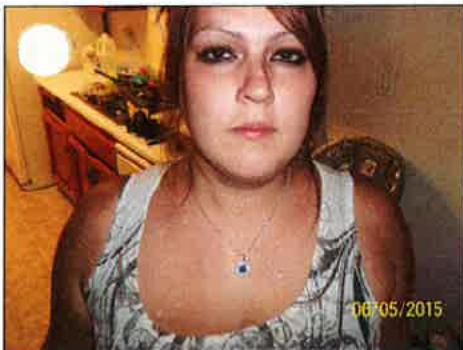


TEHACHAPI POLICE DEPARTMENT

220 WEST C STREET TEHACHAPI, CA 93561 661-822-2222
IMAGE GALLERY FOR CASE 15-06-0712

Page 1

06/30/2015



1 946

gray wax on Mulkern



2 946

gray wax on Mulkern



3 946

gray wax on Mulkern



4 946

gray wax on Mulkern



5 946

gray wax on Mulkern



6 946

gray wax on Mulkern



7 946

gray wax on Mulkern



8 946

gray wax on Mulkern



9

Front door of apartment G; interior, damage to deadbolt, doorknob, westside of door jam

CONTROLLED DOCUMENT - DO NOT DISTRIBUTE

**TEHACHAPI POLICE DEPARTMENT**

220 WEST C STREET TEHACHAPI, CA 93561 661-822-2222
IMAGE GALLERY FOR CASE 15-06-0712

Page 2

06/30/2015

**10**

Front door of apartment G; interior, damage to deadbolt, doorknob, westside of door jam

**11**

Close-up of deadbolt and door knob

**12**

Close-up of deadbolt and door knob

**13**

Close-up of deadbolt and door knob

**14**

Close-up of deadbolt and door knob(exterior)

**15**

Damage to door jamb and wall

**16**

Damage to door jamb and wall

**17**

Damage to door jamb and wall

**18**

Knife thrown at victim by suspect

CONTROLLED DOCUMENT - DO NOT DISTRIBUTE



TEHACHAPI POLICE DEPARTMENT

220 WEST C STREET TEHACHAPI, CA 93561 661-822-2222
IMAGE GALLERY FOR CASE 15-06-0712

Page 3

06/30/2015

**19**

Damage to door jamb and wall (Officer's 3x5 notepad placed next to knife to show size of knife)

**20**

Graffiti on exterior of door of apartment

**21**

Graffiti on exterior of door of apartment

**22**

Graffiti on exterior of fire extinguisher door next to apartment G

CONTROLLED DOCUMENT - DO NOT DISTRIBUTE



TEHACHAPI POLICE DEPARTMENT

220 WEST STREET TEHACHAPI, CA 93561 661-22-2222

MISDEMEANOR REPORT

Page 1

Case
15-06-0713

OFFENSES	Offenses 148(A)(1) PC 21310 PC 11364.1(a) HS 11357(B) HS			Description Obstr/Resist/Pub/PO/Emer Tech Carry Dirk or Dagger Concealed on the Person Possession of Instruments for Injecting or smoking Poss Marij Und 28.5 Grams	Fel/Misd Misd Misd Misd Misd	Date Occurred 06/06/2015	Time Occurred 0255	Incident # 1506060017		
					Date Reported 06/06/2015	Time Reported 0255				
					Related Cases 15-06-0712					
					Date Printed 06/30/2015	Time Printed 09:54:58	Printed By 938			
					Latitude 0.000000	Longitude 0.000000				
	Location Street, 607 Cherry Ln, Tehachapi, CA 93561			Beat 2501	Area T	Disposition		Dispo Date		
	Location Type House		Location of Entry	Method of Entry	Point of Entry	Alarm System	Means of Attack (Robbery)			
	Victim			Drivers License		Cell Phone	Email			
	Residence Address			Notified of Victim Rights		Residence Phone	DOB	Age	Sex	Race
	Business Name and Address					Business Phone	Height	Wt	Hair	Eyes
Assistance Rendered/Victim Disposition					Transporting Agency	Means of Attack (Assaults)				
Description of Injuries					Other Information					
WIT	Witness Anaya, Richard Solis		Drivers License	Cell Phone	Email see tattoos					
	Residence Address		Residence Phone	DOB 03/27/1986	Age 29	Sex M	Race H			
	Business Name and Address		Business Phone	Height 5' 6"	Wt 155	Hair BLK	Eyes BRO			
SUSPECT ARRESTED	Suspect Arrested Palacios, Manuel Larry Jr			Action Taken BOOKING	Charges 148(A)(1) PC, 11357(B) HS					
	Residence Address			Residence Phone	DOB 10/01/1997	Age 17	Sex M	Race H		
	Business Name and Address Ths, 801 S Dennison Rd, Tehachapi, CA 93561			Business Phone	Height 5' 4"	Wt 135	Hair BLK	Eyes BRO		
	Identifying Features Speech: Accented Build: Average Complexion: Medium Facial Hair: None Clothes: BLUE SHIRT, GREY SWEAT PANTS, BLACK SHOE			Cell Phone	Drivers License	Arrest Number 1368				
	Aliases									
VEHICLES	Status Mentioned	Vehicle Make and Model 2004 White Saturn Vue			License/State 5GUP851 CA	Vehicle Type Passenger Car/Station Wagon				
OFFICERS	Prepared By 938 - Dunham, Jason P		Date 06/06/2015	Assisted By 946 - Adams, Michael P		Approved By		Date		
	Routed To	Date	Routed To	Date	Notes					

CONTROLLED DOCUMENT - DO NOT DISTRIBUTE



TEHACHAPI POLICE DEPARTMENT

220 WEST C STREET TEHACHAPI, CA 93561 661-822-2222
MISDEMEANOR REPORT

Page 2

Case
15-06-0713

SUSPECT ARREST	Suspect Arrested Sillas, Juan Antonio		Action Taken BOOKING	Charges 148(A)(1) PC, 11364.1(a) HS, 21310 PC			
	Residence Address [REDACTED]		Residence Phone	DOB 11/30/1997	Age 17	Sex M	Race H
	Business Name and Address		Business Phone	Height 5'1"	Wt 80	Hair BLK	Eyes BRO
	Identifying Features Speech: Accented Build: Average Complexion: Medium		Cell Phone	Drivers License		Arrest Number	
Aliases Tony Sillas							
WITNESS	Witness Clodfelter, David Bruce	Drivers License	Cell Phone	Email			
	Residence Address [REDACTED]	Residence Phone	DOB 11/25/1946	Age 68	Sex M	Race W	
	Business Name and Address	Business Phone	Height 5'10"	Wt 175	Hair BRO	Eyes BLU	
WITNESS	Witness Gurule, Michael Gerard	Drivers License	Cell Phone	Email			
	Residence Address [REDACTED]	Residence Phone	DOB 01/02/1952	Age 63	Sex M	Race W	
	Business Name and Address	Business Phone	Height 5'6"	Wt 180	Hair BLK	Eyes GRN	
WITNESS	Witness Roark, John Marc	Drivers License	Cell Phone	Email			
	Residence Address [REDACTED]	Residence Phone	DOB 12/01/1952	Age 62	Sex M	Race W	
	Business Name and Address	Business Phone	Height 6'1"	Wt 180	Hair BRO	Eyes BRO	
WITNESS	Witness Sundberg, Janus	Drivers License	Cell Phone	Email			
	Residence Address [REDACTED]	Residence Phone	DOB 12/25/1957	Age 57	Sex F	Race W	
	Business Name and Address	Business Phone	Height 5'5"	Wt 115	Hair BRO	Eyes BRO	
MENTIONED	Mentioned - Other Almaraz, Carina Monique	Drivers License	Cell Phone	Email			
	Residence Address [REDACTED]	Residence Phone	DOB 10/09/1989	Age 25	Sex F	Race H	
	Business Name and Address	Business Phone	Height 5'6"	Wt 135	Hair BRO	Eyes BRO	
MENTIONED	Mentioned - Other Christian, Michael	Drivers License	Cell Phone	Email			
	Residence Address 220 W C St, Tehachapi, CA 93561	Residence Phone 661-822-2222	DOB	Age	Sex M	Race W	
	Business Name and Address Tehachapi Police Department, 220 W C St, Tehachapi, CA 93561	Business Phone 661-822-2222	Height	Wt	Hair	Eyes	

CONTROLLED DOCUMENT - DO NOT DISTRIBUTE



TEHACHAPI POLICE DEPARTMENT

220 WEST C STREET TEHACHAPI, CA 93561 661-822-2222

MISDEMEANOR REPORT

Page 3

Case
15-06-0713

MENTIONED ID	Mentioned - Other Gonzales, Arthur	Drivers License [REDACTED]	Cell Phone	Email			
	Residence Address [REDACTED]		Residence Phone [REDACTED]	DOB 04/02/1996	Age 19	Sex M	Race H
	Business Name and Address Tehachapi High School, 801 S Dennison Rd, Tehachapi, CA 93561		Business Phone [REDACTED]	Height 5'7"	Wt 130	Hair BLK	Eyes BRO
MENTIONED	Mentioned - Other Martinez, Nicholas Matthew	Drivers License [REDACTED]	Cell Phone	Email			
	Residence Address [REDACTED]		Residence Phone	DOB 08/29/1987	Age 27	Sex M	Race H
	Business Name and Address		Business Phone	Height 5'11"	Wt 190	Hair BLK	Eyes BRO
MENTIONED	Mentioned - Other Mulkern, Myriah	Drivers License	Cell Phone	Email			
	Residence Address [REDACTED]		Residence Phone [REDACTED]	DOB	Age	Sex	Race
	Business Name and Address		Business Phone	Height	Wt	Hair	Eyes
MENTIONED	Mentioned - Other Palacios, Manuel Larry Sr	Drivers License [REDACTED]	Cell Phone [REDACTED]	Email			
	Residence Address [REDACTED]		Residence Phone [REDACTED]	DOB 02/25/1969	Age 46	Sex M	Race H
	Business Name and Address		Business Phone	Height 5'8"	Wt 270	Hair BLK	Eyes BRO

CONTROLLED DOCUMENT - DO NOT DISTRIBUTE



TEHACHAPI POLICE DEPARTMENT

220 WEST C STREET TEHACHAPI, CA 93561 661-822-2222

MISDEMEANOR REPORT - PROPERTY

Page 4

15-06-0713

ID No.	Status/Disposition	Property Description	Value	Val Recovered	
100	Evidence	1 Winchester Ranger Shell Casing - .40 caliber			
101	Evidence	0.5 Gram Marijuana - approximately 0.5 grams of marijuana in metal tin			
102	Evidence	1 Pocket Knife			
103	Evidence	12 Ounces Corona Lite Beer Can - unopened			
104	Evidence	1 Black Wallet - Containing misc. papers and ID for Manual Palacios Jr.			
105	Evidence	1 Flash Light			
106	Evidence	12 Ounces Corona Lite Beer Can - unopened			
107	Evidence	1 Corona Lite Box - empty			
108	Evidence	1 White Black Berry RDM71UW Cell Phone (PRD-40596-001)			
109	Evidence	1 White Apple Iphone Cell Phone (UNK)			
110	Evidence	3 Item(s)s Charging Cables - CHARGING CORDS FOR CELL PHONES			
111	Evidence	1 Bell Light Case - BROKEN PLASTIC BELL LIGHT CASE			
112	Evidence	1 Syringe - USED SYRINGE			
113	Evidence	1 Unk Cell Phone - MISSING REAR COVER (0140680003271468)			
114	Evidence	1 Cover - COVER FOR CELL PHONE			
115	Evidence	1 Item(s) Black Ear Phones			
116	Evidence	1 Item(s) Black Baseball Cap - WITH BLACK "T"			
117	Evidence	1 Item(s) Black & White Baseball Cap - WITH LETTER "T"			
118	Evidence	1 Item(s) Black Huawei H871G Cell Phone (D5V0214B10002207)			
200	Evidence	1 Chrome & Black Knife - FIXED BLADE, SIX INCHES IN LENGTH			
300	Evidence	1 Black Glock 22 Pistol - WITH SUREFIRE RAIL MOUNT LIGHT (OPERABLE) (KDX830)			
301	Evidence	1 Item(s) Glock 22 Magazine - 15 ROUND CAPACITY			
302	Evidence	15 Item(s)s Winchester RA40T Bullets - 180 GRAIN, 40 CALIBER			
303	Evidence	1 Item(s) Glock 22 Magazine - 15 ROUND CAPACITY			
304	Evidence	15 Item(s)s Winchester RA40T Bullets - 180 GRAIN, 40 CALIBER			
305	Evidence	1 Item(s) Glock 22 Magazine - 15 ROUND CAPACITY			
306	Evidence	15 Item(s)s Winchester RA40T Bullets - 180 GRAIN, 40 CALIBER			

CONTROLLED DOCUMENT - DO NOT DISTRIBUTE



TEHACHAPI POLICE DEPARTMENT

220 WEST C STREET TEHACHAPI, CA 93561 661-822-2222

MISDEMEANOR REPORT - PROPERTY

Page 5

15-06-0713

ID No.	Status/Disposition	Property Description	Value	Val Recovered	
307	Evidence	1 Item(s) Glock 22 Magazine - 15 ROUND CAPACITY			
308	Evidence	15 Item(s)s Winchester RA40T Bullets - 180 GRAIN, 40 CALIBER			
400	Evidence	1 Cd - CONTAINING AUDIO INTERVIEW WITH OFFICER ADAMS			
401	Evidence	1 Cd - CONTAINING AUDIO INTERVIEW WITH JANUS SUNDBERG			
402	Evidence	1 Dvd - CONTAINING VIDEO OF INTERVIEW WITH MR. SILLAS			
403	Evidence	1 Cd - CONTAINING SECOND AUDIO INTERVIEW WITH OFFICER ADAMS			
404	Evidence	1 Cd - CONTAINING SECOND AUDIO INTERVIEW WITH JANUS SUNDBERG			
500	Evidence	1 Cd - CONTAINING RECORDED PHONE CONVERSATION WITH MS. MULKERN			
600	Evidence	1 Cd - CONTAINING RECORDED PHONE INTERVIEW WITH RICHARD ANAYA	-----	-----	-----

CONTROLLED DOCUMENT - DO NOT DISTRIBUTE